

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA,
GREAT FALLS DIVISION**

ROGER ONDOUA,
Plaintiff,

v.

MONTANA STATE UNIVERSITY,
et al,
Defendant.

4:18-CV-05-BMM

ORDER

Plaintiff Roger N. Ondoua filed a complaint against Defendants Montana State University, Charles Boyer, Barry Jacobsen, Deborah Barkley, Brandi Clark, Shana Wold, Gadi Reddy, Julie Orcutt, Shad Chrisman, Julie Prewett, and John Does 1–5. Doc. 1. Defendants filed a motion for summary judgment for Defendants Boyer and Jacobsen. Doc. 77. Defendants a filed motion for summary judgment for Defendants Barkley, Clark, and Wold. Doc. 79. Defendants filed a motion for summary judgment for Defendant Reddy. Doc. 81. Defendants filed a

motion for summary judgment for Defendants Miller, Chrisman, Orcutt, and Prewett. Doc. 83. Defendants filed a motion for summary judgment for Defendant Montana State University. Doc. 85. This Court held a hearing on September 25, 2020.

MOTION FOR SUMMARY JUDGMENT (DOC. 77).

- **JACOBSEN.**

The motion is **DENIED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981) and Count 2 (retaliation under 42 U.S.C. § 1981), as genuine issues of fact exist.

The motion is **GRANTED** as it relates to Count 3 (aiding and abetting tortious interference with contract) and Count 11 (tortious interference with contract).

- **BOYER.**

The motion is **DENIED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981), as genuine issues of fact exist.

MOTION FOR SUMMARY JUDGMENT (DOC. 79).

- **BARKLEY.**

The motion is **DENIED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981) and Count 13 (infliction of emotional distress), as genuine issues of fact exist.

- **CLARK.**

The motion is **DENIED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981), Count 2 (retaliation under 42 U.S.C. § 1981), and Count 13 (infliction of emotional distress), as genuine issues of fact exist.

The motion is **GRANTED** as it relates to Count 3 (aiding and abetting tortious interference with contract) and Count 18 (false light).

- **WOLD.**

The motion is **GRANTED** as it related to Count 3 (disparate treatment under 42 U.S.C. § 1981) and Count 11 (tortious interference with contract).

Defendant Wold is dismissed as a defendant.

MOTION FOR SUMMARY JUDGMENT (DOC. 81).

- **REDDY.**

The motion is **DENIED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981), Count 5 (hostile work environment under 42 U.S.C. § 1981), and Count 13 (infliction of emotional distress), as genuine issues of fact exist.

The motion is **GRANTED** as it relates to Count 3 (aiding and abetting tortious interference with contract), Count 11 (tortious interference with contract), Count 18 (false light), and Count 19 (intrusion into seclusion).

MOTION FOR SUMMARY JUDGMENT (DOC. 83).

- **MILLER.**

The motion is **GRANTED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981), Count 3 (aiding and abetting tortious interference with contract), Count 5 (hostile work environment under 42 U.S.C. § 1981), and Count 11 (tortious interference with contract).

Defendant Miller is dismissed as a defendant.

- **ORCUTT.**

The motion is **GRANTED** as it relates to Count 11 (tortious interference with contract).

Defendant Orcutt is dismissed as a defendant.

- **PREWETT.**

The motion is **GRANTED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981), Count 3 (aiding and abetting tortious interference with contract), Count 5 (hostile work environment under 42 U.S.C. § 1981), and Count 11 (tortious interference with contract).

Defendant Prewett is dismissed as a defendant.

- **CHRISMAN**

The motion is **GRANTED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981), Count 5 (hostile work environment under 42 U.S.C. § 1981), Count 11 (tortious interference with contract), Count 18 (false light), and Count 19 (intrusion into seclusion).

The motion is **DENIED** as it relates to Count 13 (infliction of emotional distress) and Count 14 (defamation), as genuine issues of fact exist.

MOTION FOR SUMMARY JUDGMENT (DOC. 85).

- **MONTANA STATE UNIVERSITY.**

The motion is **DENIED** as it relates to Count 1 (disparate treatment under Title VII, 42 U.S.C. § 2000e), Count 2 (retaliation under Title VII, 42 U.S.C. § 2000e), and Count 5 (hostile work environment under Title VII, 42 U.S.C. § 2000e), as genuine issues of fact exist.

The motion is **GRANTED** as it relates to Count 1 (disparate treatment under 42 U.S.C. § 1981), Count 2 (retaliation under, 42 U.S.C. § 1981), Count 4 (harassment under Title VII, 42 U.S.C. § 2000e), Count 4 (harassment under 42 U.S.C. § 1981), Count 6 (violation of Montana's False Claims Act), Count 12 (blacklisting), and Count 17 (public disclosure of private facts).

DATED this 29th day of September, 2020.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge
United States District Court